

REMARKS

Entry of this Amendment, reconsideration and allowance of the above-captioned patent application are respectfully requested. This application relates to N-benzyl aminoalkylcarboxylates as edg receptor agonists.

Claims 1 to 22, 34 and 35 are currently pending in the application. Claims 1 to 5, 7, 11, 12, 18 to 21 and 35 are objected to as containing non-elected subject matter. Claims 6, 8 to 10, 13 to 17, 22 and 34 have been withdrawn from consideration. Claim 35 has been provisionally rejected for obviousness-type double patenting over Claims 23 and 24 of co-pending Application No. 10/501,176. No claim has been allowed.

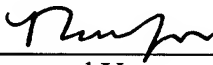
This Amendment amends Claims 1, 20 and 21 and cancels Claims 2, 6 to 10, 13 to 17 and 35. The objection and rejection pertaining to Claim 35 are rendered moot by its cancellation. Applicants have canceled Claim 35 in order to advance prosecution of the captioned patent application and such cancellation is not an admission that Claim 35 is unpatentable. Applicants reserve the right to prosecute all excluded and canceled subject matter in one or more future divisional applications. Upon entry of this Amendment Claims in the application will be Claims 1, 3 to 5, 11, 12, 18 to 22 and 34.

As result of this Amendment, Claims 1, 3 to 5, 11, 12 and 18 to 21 are drawn solely to Group V subject matter, thereby overcoming the Examiner's objection. As Claims 22 and 34 depend from allowable product claims, Applicants respectfully request that Claims 22 and 34 be rejoined pursuant to M.P.E.P. § 821.04.

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Applicants submit that the application is in condition for allowance and passage thereto is earnestly requested. Any additional fees required in connection with this Amendment may be taken from Merck Deposit Account No. 13-2755. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

By 
Raynard Yuro
Reg. No. 45,570
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-0182

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